

**REMARKS/ARGUMENT**

The Applicants respond under 37 C.F.R. § 1.111 to the Office Action of May 19, 2009.

Claims 1 through 10 are pending in the application. Claim 1 is amended by this response. Claim 5 is cancelled by this response. No fee is due, and no new matter is added.

**1. First Rejection under 35 U.S.C. § 103(a)**

Claims 1, 3 through 6, 8, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,142,344 to Kai in view of JP 2003191971 to Noda. The Applicants traverse this rejection and request reconsideration.

The Office Action states that “Kai teaches a bag (4), two panels (figure 1b) forming a joint seam portion (2) open seam portion (22), bag neck molding (3), reinforcing edge wall portion (5) made of a layer of material thicker than the major seam portion and wherein the bag neck mold is secured with the panels of the bag by a weld (column 4, lines 4 though 8).” (See Office Action p. 2.) However, the Kai patent discloses a housing for accommodating a package body having a spout, the spout to be attached to the package body.” (See Kai, col. 1, lines 4 through 6.) “Portion (2)” of Kai is not a portion of a bag at all. “Portion (2)” of Kai identifies the hinge that couples the right and left halves of the casing (1) made of hard synthetic resin material. (See Kai, Fig. 1(B) and col. 3, lines 54 through 58.)

Kai fails to teach, suggest, or disclose a bag, suitable for containing alcohol, which has two panels with “adjacently positioned edges forming at least one seam, the seam having a joined seam portion where the adjacently positioned edges of the panels are joined together,

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and an open seam portion where the adjacently positioned edges of the panels are not joined together,” as required by the Applicants’ amended claim 1.

Additionally, Kai fails to teach or disclose “a bag neck molding extending through the open seam portion, the bag neck molding being secured in sealing relation with the panels of the bag at the open seam portion, and the bag neck molding supporting a valve accessible for operation from outside the bag and supporting a spear extending into the bag through which the beverage may pass, wherein the bag neck molding has a peripheral side wall having a circumference greater in length than the adjacently positioned edges of the panels extending along the open seam,” as required by the Applicants’ amended claim 1. Noda is cited to compensate Kai for this lack of disclosure.

Noda discloses a bag-like container having a straw in which a stored content in the container can be easily drunk by a weak suction force. (*See* Noda Abstract.) Noda provides a fixing section (20) upon which the superimposition of a flange (21), a pillar section (22) and a flange (23) is found. Noda fails to disclose “a bag neck molding with a peripheral side wall having a circumference greater in length than the adjacently positioned edges of the panels extending along the open seam,” as required by Applicants’ amended claim 1.

The Applicants’ invention provides a significant technical effect with a bag neck molding that extends through the open seam and that closes the bag without having to create an additional seam. With each seam created, there is potential for bag rupture or weakening along that seam. Any reduction in the number of seams utilized in the bag manufacture reduces the complexity of the bag manufacture and improve the reliability of the bag.

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Furthermore, the Applicants' invention provides that the bag neck mold is secured in sealing relation with the panels of the bag open seam portion by a weld. Neither Kai nor Noda teaches, discloses, or suggests this feature.

Neither reference teaches, discloses, or suggests a bag neck molding with a peripheral side wall having a circumference greater in length than the adjacently positioned edges of the panels extending along the open seam, as required by the Applicants' amended claim 1. The Applicants' claim 1, as amended, is novel and unobvious over the combination of Kai and Noda. Claims 3 through 6, 8, and 10 are dependent on claim 1 and are therefore novel and unobvious over the combination of Kai and Noda.

It is requested that the rejection of claims 1, 3 through 6, 8, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kai in view of Noda be withdrawn.

**2. Second Rejection under 35 U.S.C. § 103(a)**

Claims 2 and 7 through 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,142,344 to Kai in view of JP 2003191971 to Noda and further in view of U.S. Patent No. 5,699,936 to Sakamoto. The Applicants traverse this rejection and request reconsideration.

The Kai and Noda references are discussed above. Neither reference teaches, discloses, or suggests a bag neck molding with a peripheral side wall having a circumference greater in length than the adjacently positioned edges of the panels extending along the open seam, as required by the Applicants' amended claim 1. Additionally, the combination of Kai and Noda fails to disclose a bag neck mold secured in sealing relation with the panels of the bag open seam portion by a weld.

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Sakamoto is cited to compensate for the lack of disclosure in Kai and Noda.

However, Sakamoto does not compensate for the failure of the Kai and Noda references to teach, suggest, or disclose a bag neck molding with a peripheral side wall having a circumference greater in length than the adjacently positioned edges of the panels extending along the open seam, as required by the Applicants' amended claim 1. Claims 2 and 7 through 10 are dependent on the Applicants' amended claim 1 and are therefore novel and unobvious over Kai in view of Noda and further in view of Sakamoto.

It is requested that the rejection of claims 2 and 7 through 10 under 35 U.S.C. § 103(a) as being unpatentable over Kai in view of Noda and further in view of Sakamoto be withdrawn.

Favorable consideration is requested.

Respectfully submitted,

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